IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 61 OF 2006

Raghunath Krushnaji Kamathe ...Petitioner.

V/s

State of Maharashtra
at the instance of Senior
Inspector, Loni Kalbhor
Police Statoion, Pune. ...Respondent.

Mr. Rajiv Patil for the petitioner.

Ms. Rajeshree M. Gadhavi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th January, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is seeking an anticipatory bail as he is likely to be arrested in respect of the offence which is registered against him under sections 420, 467, 468, 471 read with section 34 of the Indian Penal Code. The applicant was working as a clerk-cum-cashier in the Bank and his duty, inter

alia, was to accept the application forms which were submitted by the persons who were seeking loan from the Managing Committee of the Bank who had the authority to sanction the said loan. A complaint was filed by Ravindra Bhosale on 26/9/2005 in which it was alleged that the loan was disbursed to persons without properly scrutinising the loan applications. The 16 accused who were the members of the Managing Committee are already released on bail.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that the custodial interrogation of the applicant is not necessary as he was merely a clerk working in the Bank who did not have any authority of sanctioning the loan applications which were submitted and his duty was merely to forward the papers which he received from the applicants.

4. The learned APP appearing on behalf of the State submitted that it was one of the duties of the applicant to scrutinize the loan applications properly and, therefore, he was equally responsible for not scrutinizing the applications properly before forwarding them to the Managing Committee and, therefore, he was equally responsible for the said

act. It is further submitted that the hand-writing of the applicant has to be sent to the hand-writing expert and, therefore, the custodial interrogation is necessary.

5. In my view, since the other accused who were concerned with giving sanction to the loan have already been released on bail, the custodial interrogation of the present applicant who was merely working as a clerk in the Bank is not necessary. The learned counsel for the applicant has further stated that the entire loan which was disbursed to various persons has been fully recovered. In this view of the matter, in the event of the arrest of the applicant in connection with the complaint which was lodged by Ravindra Bhosale at Loni Kalbhor Police Station, Pune under sections 420, 467, 468, 471 read with section 34 of the Indian Penal Code, he be released on bail in the sum of Rs 5,000/- with one or two sureties in the like amount. The applicant, however, shall repot to Loni Kalbhor Police Station, Pune for a period of 10 days from 23/1/2006 from 11.00 a.m. to 5.00 p.m. during which time the Investigating Officer may interrogate the applicant and, thereafter, he may report to the Police Station as and when required by the Investigating Officer during the reasonable hours

i.e. between 11.00 a.m. to 5.00 p.m. till the filing of the charge-sheet. With these directions the application is disposed of.

V.M. KANADE, J.